

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--|---|--------------------------|
| BCG, INC. and CHESAPEAKE PRODUCTS & SERVICES, | : | |
| | : | |
| Plaintiffs, | : | C.A. No. 07-cv-207 (GMS) |
| v. | : | TRIAL BY JURY |
| | : | OF TWELVE DEMANDED |
| GLES, INC. d/b/a SWEET OIL COMPANY, | : | |
| | : | NON-ARBITRATION CASE |
| Defendant/Third-Party Plaintiff, | : | |
| v. | : | |
| | : | |
| SUNOCO, INC., | : | |
| | : | |
| Third-Party Defendant. | : | |

**THIRD-PARTY DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON
COUNT I OF THE AMENDED THIRD-PARTY COMPLAINT
PURSUANT TO FED. R. CIV. P. 56**

For the reasons set forth in the accompanying Opening Brief, Third-Party Defendant Sunoco Inc. (R&M), improperly identified as Sunoco, Inc., by and through its undersigned counsel, hereby moves pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment on Count I of the Amended Third-Party Complaint as there is no genuine issue as to any material fact and Sunoco, Inc. (R&M) is entitled to judgment as a matter of law.

PEPPER HAMILTON LLP

/s/ Matthew A. Kaplan
Matthew A. Kaplan (#4956)
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
Telephone No.: 302-777-6528

A. Christopher Young
Jennifer Lori Lambert
PEPPER HAMILTON LLP

3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
Telephone No.: 215-981-4190

Dated: April 7, 2008

*Attorneys for Third-Party Defendant,
Sunoco, Inc. (R&M)*

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2008, a copy of **Third-Party Defendant Sunoco, Inc. (R&M)'s Motion for Summary Judgment** was served electronically upon the following counsel of record via *LexisNexis File and Serve*:

Seth J. Reidenberg, Esq.
YOUNG CONAWAY STARGATT & TAYLOR, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, DE 19899-0391

*Attorneys for Defendant/Third Party Plaintiff,
GLeS, Inc., d/b/a Sweet Oil Company*

John W. Paradee, Esq.
D. Benjamin Snyder, Esq.
Glenn C. Mandalas, Esq.
PRICKETT JONES & ELLIOTT
11 North State Street
Dover, DE 19901

*Attorneys for Plaintiffs,
BCG, Inc. and Chesapeake Products &
Services*

/s/ Matthew A. Kaplan

Matthew A. Kaplan (#4956)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BCG, INC. and
CHESAPEAKE PRODUCTS & SERVICES,

Plaintiffs,
v.

GLES, INC. d/b/a SWEET OIL COMPANY,

Defendant/Third-Party Plaintiff,
v.

SUNOCO, INC.,

Third-Party Defendant.

ORDER

AND NOW, on this ____ day of _____, 2008, upon consideration of Third-Party Defendant's Motion for Summary Judgment and supporting Brief, and Defendant/Third Party Plaintiff's response thereto, it is hereby **ORDERED** that the Motion is **GRANTED** in favor of Third-Party Defendant Sunoco, Inc. (R&M) as there is no genuine issue as to any material fact and Sunoco, Inc. (R&M) is entitled to judgment as a matter of law as to Count I of Defendant/Third-Party Plaintiff's Amended Third-Party Complaint declaring that GLeS, Inc. d/b/a Sweet Oil Company is liable to pay Sunoco liquidated damages under the Incentive Agreements as a result of the non-renewal of the Distributor Agreement and the debranding of the Delmar and Duck-In stations in February 2007.

UNITED STATES DISTRICT JUDGE